

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	No. 3:07-CR-44
)	(Phillips / Shirley)
SCOTT EDWARD WILLYARD)	
)	
Defendant)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court on Defendant Scott Edward Willyard's Motion to Withdraw Motion and Cancel Hearing [Doc. 132], filed on September 28, 2007.

Defendant's motion asks this Court for leave to withdraw his Motion to Cease and Desist [Doc. 96] and to cancel the hearing in this matter set for October 4, 2007. Defendant informs this Court he is withdrawing his motion because he concedes his attorney will not be able to call Agents Davis and Lewis as witnesses and question them to provide evidence of the government's intent to deny Defendant of certain rights. Defendant states he is not prepared to go forward with proof of his Motion without testimony of said agents.

Defendant also requests this Court to consider moving him from the Blount County Justice Center ("BCJC") to the Knox County Detention Center ("KCDC"). There have been no findings that the BCJC is an inappropriate facility for federal inmates, including the Defendant, to be housed while awaiting trial. Additionally, Defendant has proffered that he will pursue his complaints, if

any, directly with the BCJC, through the appropriate grievance procedures. Absent evidence that the administrative grievance process has failed to resolve Defendant's complaints, there is no current controversy before this Court.

Thus, Defendant's Motion to Withdraw Motion and Cancel Hearing [**Doc. 132**] is **GRANTED**. Accordingly, Defendant's Motion to Cease and Desist [**Doc. 96**] is **DENIED as moot**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge